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TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor *Page*

FROM: Peter H. Hess, Sr. Reclamation Specialist/Engineering, Team Lead *PHH by an*
Michael J. Suflita, Sr. Reclamation Specialist/Hydrology *ml*
Gregg A. Galecki, Sr. Reclamation Specialist/Hydrology *GA*

RE: Appendix 7-4, Sedimentation and Drainage Control Plan, West Ridge Resources, Inc., West Ridge Mine, C/007/041-DO00A-5

SUMMARY:

Appendix 7-4, Sedimentation and Drainage Control Plan, for the West Ridge mine was reviewed and received a recommendation for approval on October 3, 2001. Plate 7-2, Mine Site Drainage Map, remains deficient in that it depicts an alternate sediment control area (ASCA) that does not exist and fails to depict a topsoil storage area that does exist as an ASCA. Notice of Violation #N02-49-1-1 brought to light the fact that certain designs that have been implemented need to receive Division approval. These diversion designs are incorporated within Appendix 7-4 and that is the purpose of this memo. Therefore, based on the reviewing hydrologist's recommendation, it is recommended that the Division approve Appendix 7-4 with the exception of all information relative to ASCA's.

OPERATION PLAN

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

TECHNICAL MEMO

Analysis:

Sediment Control Measures

In order to comply with the R645 requirement that mandates that a permittee submit "as-built" or as-constructed designs for the still-under-construction West Ridge Mine, the permittee submitted information relative to disturbed area maps, constructed surface facilities, etc. During the Division's review process, the permittee submitted, as additional information, a revised Appendix 7-4, Sedimentation and Drainage Control Plan which was felt to be necessary because of the large number of minute changes which had been field installed. Appendix 7-4 was included as part of the "As-Built" submittal by the permittee.

The reclamation plan for the highwall in the portal area, (as submitted with the permit application package and approved as part of the permit issuance) created internal concerns within the Division, partly due to the implementation of a DOGM / OSM experimental practice for the in-situ storage of topsoil within the mine's disturbance. When the permittee initiated construction of the portals to access the coal seam, a more extensive coal burn of the outcrop was discovered than was originally anticipated. The encountered ground conditions were fragile and the control of this material necessitated the construction of a more extensive highwall. A safety bench was constructed to catch debris and protect personnel and machinery working in close proximity to the area. This more extensive construction created internal concerns in the Division in that the approved reclamation plan was felt to be potentially inadequate to meet the requirements of the R645 coal rules. In consideration of this, the Division issued Division Order DO00A to the permittee on April 6, 2000 requiring the submittal of additional information, including as-built drawings, a detailed backfilling and grading plan (necessary to determine if an adequate reclamation bond was in place for the site), final surface configuration maps, etc. Division Order DO00A also requested updated hydrologic and sediment control information. Thus, Appendix 7-4, Sedimentation and Drainage Control Plan, was directly tied to the highwall reclamation plan in the same Division document.

Appendix 7-4 was reviewed by a Division hydrologist and received a recommendation for approval on October 3, 2001.

The last several reviews of information submitted to address the Division Order requirements have been dedicated to the reclamation plan for the highwall area. It has been necessary for the permittee to contract a geotechnical engineering company to perform a slope stability analysis in order to design a stable slope capable of meeting all R645 requirements necessary to achieve bond release. Deficiency responses have been generated and responded to, with several meetings between the Division technical staff and the permittee with their associated consultants.

TECHNICAL MEMO

On February 19, 2002, a notice of violation (NOV 02-49-1-1) was issued to the permittee, West Ridge Resources, Inc., for "Failure to Construct as Designed" several diversion ditches carrying flows to the sediment pond. The permittee appealed the violation to the Division, requesting a fact of violation conference. This was partially based upon the fact that the permittee felt that they had been unjustly served notice on designs that had yet to be approved by the Division. The fact of violation conference determined that the NOV was based upon designs approved within the original Appendix 7-4. The conference officer indicated in that meeting that the length of time that had transgressed between the issuance of the Division Order and the present was excessive and that both the permittee and the Division should proceed with expediency to resolve all of the outstanding issues.

In order to do this, the Division team lead on the West Ridge Division Order held a meeting with the permittee's resident agent on June 20, 2002. It was agreed that the Division would proceed with attempting to approve all of the information in Appendix 7-4, with the exception of information relative to alternate sediment control areas, and their depiction on Plate 7-2, Mine Site Drainage Map. The resident agent agreed with this thinking. In order to follow up, the team lead sent an electronic mail to the two reclamation hydrologists familiar with Appendix 7-4. Mr. Mike Suflita performed the review of Appendix 7-4. Mr. Gregg Galecki reviewed information pertinent to N02-49-1-1. During discussions with the team lead and the two reviewing hydrologists it was determined, as noted above, that a recommendation for approval had been made on October 3, 2001.

Findings:

Appendix 7-4, Sedimentation and Drainage Control Plan, with the exception of all information relative to alternate sediment control areas, should be approved.

RECOMMENDATIONS:

Appendix 7-4, Sedimentation and Drainage Control Plan, with the exception of all information relative to alternate sediment control areas, should be approved.